

Inter-Neighborhood Housing Corp., Employer-Petitioner and Local 32E, Service Employees International Union, AFL-CIO and New York State Employment Relations Board. Case AO-304

August 23, 1993

**ORDER DENYING PETITION FOR
ADVISORY OPINION**

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board Rules and Regulations, on June 9, 1993, the Inter-Neighborhood Housing Corp. (the Petitioner) filed a petition and a supporting memorandum¹ requesting an advisory opinion as to whether the Board would assert jurisdiction over it. In pertinent part, the petition and supporting memorandum state as follows:

1. A representation proceeding, Case No. SE-58486, filed by Local 32E, Service Employees International Union, AFL-CIO (Local 32E), is currently pending before the New York State Employment Relations Board (SERB) concerning the representation of certain employees of the Petitioner employed at 2359 Southern Boulevard, Bronx, New York.

2. Local 32E filed an unfair labor practice charge on April 9, 1993, Case 2-CA-26453, involving employees of the Petitioner at 785 East 181st Street, Bronx, New York.

3. Petitioner acts as the developer or managing agent for real property under contract with the Department of Housing Preservation and Development of the City of New York. Petitioner directly assists tenants of its properties in gaining conversion of rental apartments to cooperative ownership. It also assists in long-range management planning for the cooperative apartment buildings. The staff of Inter-Neighborhood Housing

Corp. includes "tenant relations specialists" who provide social support services to prepare tenants for independent living, integrate them into the community, foster economic self-sufficiency, and provide for personal growth. During the calendar year 1992, which period is representative of its annual operations generally, Petitioner received gross revenues of \$460,825. These revenues included payments received directly from the City of New York for management fees and payroll reimbursement in the total amount of \$445,046. Also during 1992, the 12 multifamily residential apartment buildings under management by Petitioner had total rents of \$701,351 collected by Petitioner. During 1992, Inter-Neighborhood Housing Corp. purchased building construction materials, appliances, fuel oil, and other goods and materials for the renovation, rehabilitation, and maintenance of its residential apartment buildings valued in excess of \$28,000 which were delivered to these buildings directly from outside the State of New York.

Local 32E filed no response to the petition for advisory opinion.

Having duly considered the matter, we deny the Petitioner's request for an advisory opinion. The Board's longstanding policy, based on sound principles of administrative efficiency and economy, is that a petition for advisory opinion will not be entertained where, as here, an unfair labor practice proceeding is pending and there is no indication of a need for a more expeditious jurisdictional determination.² While the unfair labor practice charge filed by Local 32E concerns employees of Petitioner at a location other than that of the employees who are the subject of the SERB petition, a determination of jurisdiction in the unfair labor practice proceeding will resolve any jurisdictional issues concerning the petition before the SERB.

Accordingly, for the reason set forth above, the petition for advisory opinion is dismissed.

¹ The Board grants Petitioner's request to file a memorandum.

² *Riv Realty*, 267 NLRB 325 (1983).